

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE:)	
)	Bankruptcy Case No.: 14-23154-CMB
FRANCIS M. MACHI, JR., aka,)	
FRANK M. MACHI)	Chapter 11
)	
Debtor.)	Docket No.: _____
)	
JEFFREY J. SIKIRICA, TRUSTEE)	Related to Doc. Nos. 660 & 661
)	
Movant,)	Hearing Date: November 8, 2018
vs.)	Hearing Time: 2:30 p.m.
)	
MARK MACHI, CITY OF PITTSBURGH,)	
TREASURER CITY OF)	
PITTSBURGH, TREASURER)	
SCHOOL DISTRICT OF)	
PITTSBURGH, TREASURER OF)	
COUNTY OF ALLEGHENY, JORDAN)	
TAX SERVICE, INC., PITTSBURGH)	
WATER & SEWER AUTHORITY,)	
CITY OF PITTSBURGH, WELLS)	
FARGO, NA and GERALD LAYCHAK)	
)	
Respondents)	

**ORDER CONFIRMING SALE OF REAL PROPERTY FREE AND DIVESTED OF
LIENS, CLAIMS AND ENCUMBRANCES**

AND NOW this 9th day of November 2018, on consideration of this "Motion For Order Approving Sale of Real Property Free and Clear of Liens, Claims and Encumbrances Pursuant to 11 U.S.C. §§ 105 and 363 and F.R.B.P. Nos. 2002 and 6004 and W.PA.LBR 6004-1 and 9013-3" (hereinafter the "Sale Motion") filed by Jeffrey J. Sikirica, Chapter 7 Trustee for Francis M. Machi, Jr. (hereinafter the "Machi Trustee"), after notice and hearing held on November 8, 2018 at 2:30 p.m. before Judge Carlota M. Böhm in Courtroom B, 54th Floor, U.S. Steel Tower, 600 Grant Street, Pittsburgh, PA 15219 (hereinafter the "Sale Hearing"), this Court finds:

1. The findings and conclusions set forth herein constitute the Court's findings of fact and conclusions of law pursuant to Bankruptcy Rule 7052, made applicable to this proceeding by Bankruptcy Rule 9014.

2. This Court has jurisdiction to hear and determine the within matter pursuant to 28 U.S.C. §§157 and 1134.

3. Venue is proper pursuant to 28 U.S.C. §1409(a).

4. Determination of the relief sought at the Sale Hearing is a core proceeding under 28 U.S.C. §157(b)(2)(A) and (N). The statutory predicates for the relief provided for herein are Bankruptcy Code §§105 and 363 and Bankruptcy Rules 2002 and 6004 and W.PA.LBR 6004-1 and 9013-3.

5. That Service of the Notice of Hearing, the Notice of Sale and the Sale Motion, was properly made on the above named Respondents.

6. That sufficient general notice of said hearing and sale, together with the confirmation hearing thereon, was given to the creditors and parties in interest by the moving party shown by the certificates of service duly filed and that the named parties were duly served with the Motion.

7. That the Sale Hearing was duly advertised on the Court's website pursuant to W.PA.LBR 6004-1(c) on **October 9, 2018**, in the Pittsburgh Post-Gazette on **October 12, 2018** and in the Pittsburgh Legal Journal on **October 12, 2018**, as shown by the Proofs of Publication duly filed in each of the Trustees' Bankruptcy cases.

8. That the sale of the real property and as contemplated by the Sale Motion is being made **AS IS, WHERE IS and WITH ALL FAULTS** and with no representations and/or warranties of any kind.

9. That at the Sale Hearing, all objections to the sale, if any, were heard and overruled.

Now therefore, **IT IS ORDERED, ADJUDGED and DECREED** that the sale of the real estate owned by the Debtor described as **5164 Butler Street, 10th Ward of the City of Pittsburgh, Allegheny County, Pennsylvania 15201 with a frame dwelling in the rear known as 5171 Dresden**

Way and identified as Allegheny County Tax Parcel No. 0080-C-00084-0000-00, as recorded in the Allegheny County Recorder of Deeds Office at Deed Book Volume 8165, page 579, (hereinafter "Real Estate") is hereby CONFIRMED to Wylie Holdings, LP or its assigns for \$155,000.00 free and divested of all liens and claims, including, but not limited to, those of the above named Respondents, and, that the Chapter 11 Trustee is authorized to make, execute and deliver to the Purchaser above named the necessary deed and/or other documents required to transfer title to the property purchased upon compliance with the sale terms.

IT IS FURTHER ORDERED, that at the closing of the sale, the following shall be paid:

- a. No real estate transfer taxes will be paid as this sale is exempt under 11 U.S.C. §1146(c) since the sale is being made pursuant to a confirmed Chapter 11 Plan.
- b. Real estate taxes for the school district, county and Township, including all delinquent real estate taxes due at the time of the closing with current real estate taxes prorated between the Successful Bidder and the Debtor on the date of closing;
- c. Municipal liens for sewage and water due at the time of closing;
- d. Howard Hanna Real Estate Services portion of the real estate broker's commission requested nunc pro tunc in the amount of 3% of the gross selling price plus \$395.00 is to be held in escrow by the Chapter 11 Trustee pending further Order of this Court, ,
- e. Normal miscellaneous closing costs related to documentation, lien letters, etc.,
- f. Payment to Mark Machi to satisfy his mortgage and judgment lien in the estimated balance amount of \$14,503.24,
- g. If no agreement has been reached with the City of Pittsburgh, the sum of \$55,000.00 will be held in escrow by the Machi Trustee pending distribution pursuant to further Order of Court, and,

h. The balance of the proceeds shall be distributed by the Machi Trustee pursuant to terms and priority set forth in the Chapter 11 Plan.

IT IS FURTHER ORDERED that the Successful Bidder acted in good faith with respect to the within sale in accordance with the *In re Abbots Dairies of Pennsylvania, Inc.*, 788 F.2d. 143 (3d Cir. 1986).

IT IS FURTHER ORDERED that the Successful Bidder Purchase Price was the highest and best offer made at the Sale Hearing and is a fair and reasonable price for the Real Estate.

IT IS FURTHER ORDERED the sale is “AS IS, WHERE IS and WITH ALL FAULTS” and with no representations and/or warranties of any kind expressed or implied.

IT IS FURTHER ORDERED that the Chapter 11 Trustee is authorized to make and execute on behalf of the Debtor any and all documents necessary to transfer title to the Real Estate. The deed provided by the Trustee to transfer the Real Property shall be by “Special Warranty Deed”.

IT IS FURTHER ORDERED that the sale of the Real Estate to the Successful Bidder shall be free, clear and divested of any and all liens, claims and encumbrances, and the liens, claims, interests and encumbrances listed in paragraphs 10, 11, 12, 13, 14 and 15 of the Sale Motion, in accordance with Sections 105(a) and 363 of the Bankruptcy Code.

IT IS FURTHER ORDERED that said liens, claims and encumbrances, including but not limited to those liens, claims, interests and encumbrances listed in paragraphs 10, 11, 12, 13, 14 and 15 of the Sale Motion, to which the Real Estate is being sold free, clear and divested of, be, and hereby are divested from the Real Estate, and, if and to the extent they may be determined to be valid liens, claims, interests and encumbrances against the Real Estate, shall transfer to the proceeds of the sale.

IT IS FURTHER ORDERED that closing shall occur on or before Thirty (30) Days after the date of this Order (the “Closing Date”).

IT IS FURTHER ORDERED that pursuant to W.PA.LBR. 6004-1(c)(4), within seven
(7) calendar days of the Closing Date, the Trustee shall file a report of sale.

IT IS FURTHER ORDERED that this Order survives any dismissal or conversion of
the above captioned bankruptcy cases.

BY THE COURT:

A handwritten signature in black ink, reading "Carlota M. Böhm". The signature is written in a cursive style with a horizontal line underneath.

Carlota M. Böhm
Chief Judge United States Bankruptcy Court

FILED
11/9/18 4:43 pm
CLERK
U.S. BANKRUPTCY
COURT - WDPa

Imaged Certificate of Notice Page 6 of 8

United States Bankruptcy Court
Western District of PennsylvaniaIn re:
Francis M. Machi, Jr.
DebtorCase No. 14-23154-CMB
Chapter 11**CERTIFICATE OF NOTICE**

District/off: 0315-2

User: dric
Form ID: pdf900Page 1 of 3
Total Noticed: 28

Date Rcvd: Nov 09, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Nov 11, 2018.

db +Francis M. Machi, Jr., 3823 Mintwood Street, Pittsburgh, PA 15201-1221
 aty Calaiaro Valencik, 428 Forbes Ave., Ste. 900, Pittsburgh, PA 15219-1621
 aty +Domenic A. Bellisario, Law Office of Domenic A. Bellisario, 310 Grant Street, Suite 1302, Pittsburgh, PA 15219-2229
 op +6350 Waldron Street, LLC, 128 S. 2nd Street, Clarsburg, WV 26301-2921
 r +Donna Fischer, Coldwell Banker, 9600 Perry Highway Suite 100, Pittsburgh, PA 15237-5552
 cr +Equitable Gas Bankruptcy Department, Attn: Judy Gawlowski, 225 North Shore Drive 2nd Floor, Pittsburgh, PA 15212-5860
 acc Harry Barnes, Barnes Corporation, 215 Brookside Blvd., Pittsburgh, PA 15241-1511
 cr +OCWEN LOAN SERVICING, LLC AS SERVICER FOR WELLS FA, 6409 Congress Avenue, Suite 100, Boca Raton, FL 33487-2853
 cr +Peoples Natural Gas Company LLC, c/o S. James Wallace, P.C., 845 N. Lincoln Ave., Pittsburgh, PA 15233-1828
 14711789 +Barnes Corporation, c/o Harry Barnes, 215 Brookside Blvd., Pittsburgh, PA 15241-1511
 13941919 +City and School District of Pittsburgh, c/o Goehring Rutter & Boehm, 437 Grant Street, 14th Floor, Pittsburgh, PA 15219-6101
 13941916 +County of Allegheny, c/o Goehring Rutter & Boehm, 437 Grant Street, 14th Floor, Pittsburgh, PA 15219-6101
 13985415 +DLJ Mortgage Capital, Inc., c/o Select Portfolio Servicing, Inc., 3815 South West Temple, Salt Lake City, UT 84115-4412
 13963926 +Mark Machi, 307 Shady Lane, Glenshaw, PA 15116-3149
 14034350 +Peoples Natural Gas Company LLC Equitable Division, 225 North Shore Drive, Pittsburgh, PA 15212-5860, Attn: Dawn Lindner
 13941921 +Pittsburgh Water & Sewer Authority, c/o Goehring Rutter & Boehm, 437 Grant Street, 14th Floor, Pittsburgh, PA 15219-6101
 13997137 +Plane Fitness, 1635 S. Braddock Avenue, Pittsburgh, PA 15218-1663
 13956785 +Specialized Loan Servicing LLC, 8742 Lucent Blvd Suite 300, Highlands Ranch, CO 80129-2386
 13900850 +Straka & McQuone, Inc., 1099 Ohio River Boulevard, Sewickley, PA 15143-2081
 14041993 U.S. Bank N.A., c/o Ocwen Loan Servicing, LLC, Attn: Bankruptcy Department, P.O. BOX 24605, West Palm Beach, FL 33416-4605
 13982418 +Wells Fargo Bank, N.A. as Trustee, c/o Select Portfolio Servicing, Inc., 3815 South West Temple, Salt Lake City, UT 84115-4412

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

14070823 +E-mail/Text: jennifer.chacon@spservicing.com Nov 10 2018 02:07:50
 DLJ Mortgage Capital, Inc., c/o Select Portfolio Servicing, PO Box 65450, Salt Lake City, UT 84165-0450
 13900848 +E-mail/Text: ccusa@ccuhome.com Nov 10 2018 02:06:53 Dr. J.A. Straka, c/o Credit Collections U.S.A., 16 Distributor Drive, Suite 1, Morgantown, WV 26501-7209
 13980961 +E-mail/Text: kburkley@bernsteinlaw.com Nov 10 2018 02:07:39 Duquesne Light Company, c/o Peter J. Ashcroft,, Bernstein-Burkley, P.C., 707 Grant St., Suite 2200, Gulf Tower,, Pittsburgh, PA 15219-1945
 14005299 E-mail/Text: cio.bncmail@irs.gov Nov 10 2018 02:06:57 INTERNAL REVENUE SERVICE, 1000 LIBERTY AVENUE ROOM 705, PITTSBURGH, PA 15222
 14123161 +Fax: 407-737-5634 Nov 10 2018 02:40:42 OCWEN LOAN SERVICING, LLC, ATTN: CASHIERING DEPARTMENT, 1661 WORTHINGTON RD., SUITE 100, WEST PALM BEACH, FL 33409-6493
 13900849 +Fax: 407-737-5634 Nov 10 2018 02:40:42 Ocwen Loan Servicing, LLC, 1661 Worthington Road, Suite 100, West Palm Beach, FL 33409-6493
 13915333 E-mail/Text: RVSVCBICNOTICE1@state.pa.us Nov 10 2018 02:07:05
 Pennsylvania Department of Revenue, Bankruptcy Division PO BOX 280946, Harrisburg, PA 17128-0946

TOTAL: 7

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr Allegheny County
 cr City and School District of Pittsburgh
 cr DLJ Mortgage Capital, Inc.
 cr Duquesne Light Company
 cr Jennifer Mariani
 md Norman Gilkey
 cr Ocwen Loan Servicing, LLC as servicer for
 cr Ocwen Loan Servicing, LLC as servicer for U.S. Ban
 cr Pittsburgh Water & Sewer Authority
 cr U.S. Bank N.A., as Trustee for the registered hold
 cr U.S. Bank National Association Et Al...
 cr U.S. Bank National Association, as Trustee for Ter
 cr Wells Fargo Bank, N.A., as Trustee , for the certi
 cr Wells Fargo Bank, N.A., as Trustee, et al...
 cr Wells Fargo Bank, N.A., et. al.

District/off: 0315-2

User: dric
Form ID: pdf900

Page 2 of 3
Total Noticed: 28

Date Rcvd: Nov 09, 2018

cr* +Dyer Law Firm, P.C., 5743 Centre Avenue, Pittsburgh, PA 15206-3707
cr* +Mark Machi, 307 Shady Lane, Glenshaw, PA 15116-3149
14135512* +Ocwen Loan Servicing, LLC, ATTN: Cashiering Department, 1661 Worthington Rd., Suite 100,
West Palm Beach, FL 33409-6493
14070720 ##+Dyer Law Firm, P.C., 5743 Centre Avenue, Pittsburgh, PA 15206-3707

TOTALS: 15, * 3, ## 1

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Nov 11, 2018

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on November 9, 2018 at the address(es) listed below:

David Z. Valencik on behalf of Attorney Calaiaro Valencik dvalencik@c-vlaw.com,
cvlaw.ecf.dvalencik@gmail.com; aheath@c-vlaw.com; kmosur@c-vlaw.com; bhassain@c-vlaw.com; ssimmons@c-vlaw.com; mpeduto@c-vlaw.com
Donald R. Calaiaro on behalf of Attorney Calaiaro Valencik dcalaiaro@c-vlaw.com,
cvlaw.ecf.dcalaiaro@gmail.com; aheath@c-vlaw.com; kmosur@c-vlaw.com; bhassain@c-vlaw.com; ssimmons@c-vlaw.com; mpeduto@c-vlaw.com
Elizabeth Lamont Wassall on behalf of Creditor Ocwen Loan Servicing, LLC as servicer for
bankruptcy@udren.com
Erin P. Dyer on behalf of Creditor Dyer Law Firm, P.C. erindyer@wvlegalcounsel.com
James Warmbrodt on behalf of Creditor DLJ Mortgage Capital, Inc. bkgroup@kmlawgroup.com
James Warmbrodt on behalf of Creditor U.S. Bank National Association, as Trustee for Terwin
Mortgage Trust 2005-10HE, Asset-Backed Certificates, Series 2005-10HE bkgroup@kmlawgroup.com
James Warmbrodt on behalf of Creditor U.S. Bank National Association Et Al...
bkgroup@kmlawgroup.com
James A. Prostko on behalf of Creditor Wells Fargo Bank, N.A., as Trustee, for the
certificate holders of Asset-Backed Pass-Through Certificates, Series 2005-WCW3 pawb@fedphe.com,
james.prostko@phelanhallinan.com
James A. Prostko on behalf of Creditor OCWEN LOAN SERVICING, LLC AS SERVICER FOR WELLS FARGO
BANK, N.A., AS TRUSTEE FOR THE POOLING AND SERVICING AGREEMENT DATED AS OF OCTOBER 1, 2004 PARK
PLACE SECURITIES, INC. ASSET-BACKED PASS-THROUGH C pawb@fedphe.com,
james.prostko@phelanhallinan.com
James A. Prostko on behalf of Creditor Wells Fargo Bank, N.A., as Trustee, et al...
pawb@fedphe.com, james.prostko@phelanhallinan.com
Jeffrey J. Sikirica trusteesikirica@zoominternet.net, PA59@ecfcbis.com
Jeffrey J. Sikirica on behalf of Trustee Jeffrey J. Sikirica trusteesikirica@consolidated.net,
PA59@ecfcbis.com
Jeffrey R. Hunt on behalf of Creditor Pittsburgh Water & Sewer Authority jhunt@grblaw.com,
cnoroski@grblaw.com
Jeffrey R. Hunt on behalf of Creditor City and School District of Pittsburgh jhunt@grblaw.com,
cnoroski@grblaw.com
Jeffrey R. Hunt on behalf of Creditor Allegheny County jhunt@grblaw.com, cnoroski@grblaw.com
Jill Manuel-Coughlin on behalf of Creditor U.S. Bank National Association Et Al...
jill@pkallc.com,
chris.amann@pkallc.com; nick.bracey@pkallc.com; samantha.gonzalez@pkallc.com; harry.reese@pkallc.com
; mary.raynor-paul@pkallc.com; amanda.rauer@pkallc.com
Joseph P. Schalk on behalf of Creditor Wells Fargo Bank, N.A., et. al. jschalk@barley.com,
sromig@barley.com
Joseph S. Sisca, on Behalf of the United States Trustee by on behalf of U.S. Trustee Office
of the United States Trustee joseph.s.sisca@usdoj.gov
Lois M. Vittti on behalf of Creditor Dyer Law Firm, P.C. nicole@vitttilaw.com,
loismvitti@vitttilaw.com
Lois M. Vittti on behalf of Other Prof. 6350 Waldron Street, LLC nicole@vitttilaw.com,
loismvitti@vitttilaw.com
Matthew Christian Waltdt on behalf of Creditor Wells Fargo Bank, N.A., as Trustee, for the
certificate holders of Asset-Backed Pass-Through Certificates, Series 2005-WCW3
mwaldt@milsteadlaw.com, bkcf@milsteadlaw.com

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User: dric
Form ID: pdf900

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The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system (continued)

Norman E. Gilkey on behalf of Mediator Norman Gilkey ngilkey@bccz.com
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov
Peter J. Ashcroft on behalf of Creditor Duquesne Light Company pashcroft@bernsteinlaw.com,
ckutch@ecf.courtdrive.com;acarr@bernsteinlaw.com
Ronald B. Roteman on behalf of Creditor Jennifer Mariani rroteman@stonecipherlaw.com,
ykoher@stonecipherlaw.com
S. James Wallace on behalf of Creditor Peoples Natural Gas Company LLC sjw@sjwpgh.com,
Equitablebankruptcy@peoples-gas.com;srk@sjwpgh.com
S. James Wallace on behalf of Creditor Equitable Gas Bankruptcy Department sjw@sjwpgh.com,
Equitablebankruptcy@peoples-gas.com;srk@sjwpgh.com
Sherri J. Smith on behalf of Creditor Ocwen Loan Servicing, LLC as servicer for U.S. Bank
N.A., as Trustee for the registered holders of Structured Asset Securities Corporation, Mortgage
Pass-Through Certificates, Series 2005-SC1 pawb@fedphe.com, sherri.braunstein@phelanhallinan.com
Sherri J. Smith on behalf of Creditor U.S. Bank N.A., as Trustee for the registered holders
of Structured Asset Securities Corporation, Mortgage Pass-Through Certificates, Series 2005-SC1
pawb@fedphe.com, sherri.braunstein@phelanhallinan.com
Stuart P. Winneg on behalf of Creditor U.S. Bank N.A., as Trustee for the registered holders
of Structured Asset Securities Corporation, Mortgage Pass-Through Certificates, Series 2005-SC1
swinneg@udren.com, cblack@udren.com

TOTAL: 30